

# **Exhibit 5**

United States of America  
United States Patent and Trademark Office

# KUNG FU TEA

**Reg. No. 4,497,687**

KF TEA USA INC. (NEW YORK CORPORATION)  
34-36 56TH STREET  
WOODSIDE, NY 11377

**Registered Mar. 18, 2014**

**Int. Cl.: 43**

FOR: RESTAURANT SERVICES FEATURING NON-ALCOHOLIC DRINKS, BEVERAGES, PASTRIES, AND CONFECTIONS, IN CLASS 43 (U.S. CLS. 100 AND 101).

**SERVICE MARK**

FIRST USE 4-30-2010; IN COMMERCE 4-30-2010.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,961,011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEA", APART FROM THE MARK AS SHOWN.

SER. NO. 86-029,382, FILED 8-5-2013.

BARNEY CHARLON, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See 15 U.S.C. §§1058, 1141k.* If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See 15 U.S.C. §1059.*

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See 15 U.S.C. §§1058, 1141k.* However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See 15 U.S.C. §1141j.* For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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**Mark:** KUNG FU TEA

KUNG FU TEA

**US Serial Number:** 86029382

**Application Filing Date:** Aug. 05, 2013

Date:

**US Registration Number:** 4497687

**Registration Date:** Mar. 18, 2014

**Filed as TEAS Plus:** Yes  
Plus:

**Currently TEAS Plus:** Yes  
Plus:

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Nov. 11, 2020

**Publication Date:** Dec. 31, 2013

## Mark Information

**Mark Literal Elements:** KUNG FU TEA

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "TEA"

## Related Properties Information

**Claimed Ownership of US Registrations:** 3961011

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Restaurant services featuring non-alcoholic drinks, beverages, pastries, and confections

**International Class(es):** 043 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 30, 2010

**Use in Commerce:** Apr. 30, 2010

## Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes
Filed ITU:	No	Currently ITU:	No
Filed 44D:	No	Currently 44E:	No
Filed 44E:	No	Currently 66A:	No
Filed 66A:	No	Currently No Basis:	
Filed No Basis:	No		

## Current Owner(s) Information

**Owner Name:** KF Tea USA Inc.  
**Owner Address:** 589 Eighth Avenue, 17th Floor  
                   New York, NEW YORK UNITED STATES 10018

**Legal Entity Type:** CORPORATION                   **State or Country:** NEW YORK  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

<b>Attorney Name:</b>	Matthew D. Asbell	<b>Docket Number:</b>	0565-26.12
<b>Attorney Primary Email Address:</b>	<a href="mailto:trademarks@offitkurman.com">trademarks@offitkurman.com</a>		

**Attorney Email** Yes  
                   Authorized:

### Correspondent

<b>Correspondent Name/Address:</b>	Matthew D. Asbell Offit Kurman, P.A. 590 Madison Avenue, 6th Floor New York, NEW YORK UNITED STATES 10022	<b>Phone:</b>	9294760048	<b>Fax:</b>	212.545.1656
<b>Correspondent e-mail:</b>	<a href="mailto:trademarks@offitkurman.com">trademarks@offitkurman.com</a> <a href="mailto:matthew.asbell@offitkurman.com">matthew.asbell@offitkurman.com</a>			<b>Correspondent e-mail Authorized:</b>	<a href="mailto:alison.pratt@offitkurman.com">alison.pratt@offitkurman.com</a> <a href="mailto:tom.pi.tegoff@offitkurman.com">tom.pi.tegoff@offitkurman.com</a>

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 18, 2023	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 14, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 14, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 14, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 14, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 11, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 11, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Nov. 11, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Sep. 18, 2020	TEAS SECTION 8 & 15 RECEIVED	
Mar. 18, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Nov. 17, 2017	COUNTERCLAIM OPP. NO. 999999	236933
Mar. 18, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 31, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 31, 2013	PUBLISHED FOR OPPOSITION	
Dec. 11, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 22, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2013	ASSIGNED TO EXAMINER	71994
Aug. 13, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 08, 2013	NEW APPLICATION ENTERED	

## TM Staff and Location Information

## TM Staff Information - None

## File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Nov. 11, 2020

**Proceedings****Summary**Number of 1  
Proceedings:**Type of Proceeding: Opposition**Proceeding [91236933](#)  
Number:

Filing Date: Sep 28, 2017

Status: Terminated

Status Date: Jun 03, 2018

Interlocutory MARY CATHERINE FAINT  
Attorney:**Defendant**

Name: Wing-Yu Ng

Correspondent PATRICK R COLSHER  
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599 LEXINGTON AVE  
FLUSHING NY UNITED STATES , 10022Correspondent e-mail: [andrewmalaw@gmail.com](mailto:andrewmalaw@gmail.com) , [ndrwma@gmail.com](mailto:ndrwma@gmail.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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KUNG FU CHEF [87406993](#)**Plaintiff(s)**

Name: KF Tea USA Inc.

Correspondent CHIA-YU CHANG  
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315 W 70TH ST #12L  
NEW YORK NY UNITED STATES , 10023Correspondent e-mail: [cychang@cychanglaw.com](mailto:cychang@cychanglaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
KUNG FU TEA		<a href="#">85075650</a>	<a href="#">3961011</a>
KUNG FU TEA		<a href="#">86029382</a>	<a href="#">4497687</a>
KUNG FU TEA		<a href="#">86029401</a>	<a href="#">4510162</a>
KUNG FU TEA		<a href="#">86060777</a>	<a href="#">4857505</a>
KUNG FU TEA		<a href="#">86060792</a>	<a href="#">4857506</a>
KUNG FU TEA		<a href="#">86060831</a>	<a href="#">4857507</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
19	P PROOF OF SERVICE	Jun 04, 2018	
18	TERMINATED	Jun 03, 2018	
17	BD DECISION: DISMISSED W/O PREJ	Jun 03, 2018	
16	W/DRAW OF APPLICATION	Jun 01, 2018	
15	W/DRAW OF COUNTERCLAIM	Jun 01, 2018	
14	STIP ABANDONMENT OF APP/WD OF CC/WD OF OPP	Jun 01, 2018	
13	SUSPENDED	May 03, 2018	
12	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 30, 2018	
11	SUSPENDED	Mar 07, 2018	
10	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 05, 2018	

9	EXTENSION OF TIME GRANTED	Jan 19, 2018
8	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 02, 2018
7	EXTENSION OF TIME GRANTED	Dec 07, 2017
6	P MOT FOR EXT W/ CONSENT	Dec 07, 2017
5	TRIAL DATES RESET	Nov 09, 2017
4	ANSWER AND COUNTERCLAIM (FEE)	Nov 07, 2017
3	PENDING, INSTITUTED	Sep 28, 2017
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 28, 2017
1	FILED AND FEE	Sep 28, 2017